

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
MISSOURI DIVISION

RECEIVED

JAN 26 2023

BY MAIL

(Robert Michael Goldberg and Esther Fiona Harrison and Angus Ephraim Goldberg and Duncan Abraham Goldberg, with Esther Fiona Harrison, Angus Ephraim Goldberg and Duncan Abraham Goldberg as Mr. Goldberg's surviving Heirs) vs.

Complaint for a Civil Case

Plaintiff requests trial by jury: Yes

(State of Missouri, City of St. Louis, MO, 22nd
Circuit Court of the City of St. Louis, MO
and Judge Robert Dierker)

CIVIL COMPLAINT

I. The Parties to This Complaint

A. The Plaintiff(s)

1.) Robert Michael Goldberg (January 23rd, 1941 to May 15th, 2022)
4451 Old Post Road
Viewtown, VA
20106

2.) Esther Fiona Harrison (Surviving heir of Robert Michael Goldberg)
10644 Pine Cone Lane
Fort Pierce, FL
349945
7723026762

3.) Angus Ephraim Goldberg (Surviving heir of Robert Michael Goldberg)
Aileen Road
Flint Hill, VA
5402701879

4.) Duncan Abraham Goldberg (Surviving heir of Robert Michael Goldberg)
4451 Old Post Road
Viewtown, VA
20106
Duncanagoldberg@gmail.com
5409372770
5409052342

B. The Defendant(s)

- 1.) State of Missouri
- 2.) City of St. Louis, MO
- 3.) 22nd Circuit Court of the City of St. Louis, MO
- 4.) Judge Robert Dierker (Official or Individual Capacity)

II . Basis for Jurisdiction

A. Federal question:

- 1.) Lilly Ledbetter Fair Pay Act of 2009
- 2.) **The Older Americans Act of 1965**
- 3.) **The Rehabilitation Act of 1973**
- 4.) The Americans with Disabilities Act of 1990
- 5.) **The Americans with Disabilities Amendment Act of 2009**
- 6.) **The Patient Protection and Affordable Care Act of 2010**
- 7.) Rights of Equal Protection under the laws as written in the 14th Amendment of the U.S. Constitution
- 8.) **The Supremacy Clause of Federal Law over State Law as written in Article VI of the U.S. Constitution**

B . Suit against the Federal Government (Not Applicable)

C . Diversity of Citizenship

A. The Plaintiff(s)

- 1.) Robert Michael Goldberg (January 23rd, 1941 to May 15th, 2022)
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- 1.) State of Missouri
- 2.) City of St. Louis, MO
- 3.) 22nd Circuit Court of the City of St. Louis, MO
- 4.) Judge Robert Dierker

D. The Amount in Controversy

The amount in controversy is \$50,000,000 because of the average settlement awarded to victims of asbestos exposure through Talc usage by US and State Courts including MO Courts and that was denied Robert Michael Goldberg and his children as he tried to participate in the Judicial System of Missouri with his own family case of asbestos exposure and the wrongful death due to Talc usage of his wife Dr. Barbara Sproston Goldberg and mother of Esther Fiona Harrison and Angus Ephraim Goldberg and Duncan Abraham Goldberg and the subsequent retraction and effective interdiction and termination of further restitution through compensation via the Missouri Judicial System from certain other liable parties in the wrongful death of Dr. Goldberg Barbara Sproston Goldberg while living with his own legally and medically recognized Brain Injury due the denial of his full civic participation (and by association that of his children) in the Missouri Judicial System due to the State-run systemic disability discrimination against people living with Brain Injury within Missouri and its jurisdictions maintained and enforced by Missouri and the Missouri Judicial System and including the City of St. Louis and its associated 22nd Circuit Court of the City of St. Louis and Judge Robert Dierker who presided over the case and authorized the denial of the full civic participation of Mr. Goldberg and his family against numerous Federal Laws and the U.S. Constitution that provided for the full civic participation of Mr. Robert Michael Goldberg in his endeavors to seek justice and relief for the loss of his wife due to asbestos exposure through Talc usage and within Missouri and the Missouri Judicial System therein.

III. Statement of Claim:

In July of 2016 Robert M. Goldberg attempted to navigate the Judicial System of the State of Missouri in order to seek justice, relief and restitution for the loss of his wife Dr. Barbara Sproston Goldberg and her pain and suffering and the pain and suffering of his own and that of his children, Esther Fiona Harrison, Angus Ephraim Goldberg and Duncan Abraham Goldberg from the same cause due to her wrongful death from asbestos exposure. This considerable legal effort on his part took his particular case to the Courts of Missouri and the 22nd Circuit Court of the City of St. Louis in Missouri as maintained and operated by both Missouri and City of St. Louis therein. In the 22nd Circuit Court in the City of St. Louis Mr. Goldberg attempted to advance his case against the various industrial parties that he had identified as culpable in the asbestos exposure of Dr. Barbara Sproston Goldberg. These included industrial parties that were responsible for asbestos exposure of Dr. Barbara Sproston Goldberg through Talc usage as a personal

product on one hand and industrial parties that were responsible for asbestos exposure from locational sources visited and inhabited by his wife and himself in the past on the other hand. In pursuit of justice, and relief and restitution for the asbestos-exposure culpability of the identified industrial parties within the legal environments of Missouri and the 22nd Circuit Court of the City of St. Louis, Mr. Robert Michael Goldberg was provided no reasonable accommodation let alone any accommodation that was his Right under the laws of the United States of America on account of his own significant disability and status as a person living with Anoxic Brain Injury and all the challenges that he endured on a daily basis due to that injury and accompanying condition, to provide for his full and fullest civic participation with the Missouri Judicial System and aforementioned 22nd Circuit Court. Against Federal Laws and the U.S. Constitution, the 22nd Circuit Court and the Missouri Judicial System held Mr. Robert Michael Goldberg to an unfair and illegal standard by not providing any accommodation to Mr. Robert Michael Goldberg at any and all levels of the legal work he attempted to pursue in his attempted navigation of the rule of law and practices of the courts within Missouri and the City of St. Louis. In place of any accommodation for someone living with brain injury, Mr. Robert Michael Goldberg encountered systemic disability discrimination against people living with Brain Injury as maintained and enforced by Missouri across the breadth of the Judicial System of that state and the 22nd Circuit Court of the City of St. Louis therein and his family suffered by association from that endemic disability discrimination maintained by the aforementioned Missouri Public Entities and Parties. This systemic disability discrimination the aforementioned Missouri Public Entities and personnel subjected Mr. Robert Michael Goldberg and his family to, denied him and his family by association, fair and all effective access to the courts and rule of law within their particular jurisdictions in flagrant non-compliance and complete and utter transgression of United States Federal Law to which these Missouri Public Entities and Parties are bound and required by the same laws to uphold and honor.

Instead of providing compliance of the aforementioned Federal Laws and thereby providing fair and reasonable accommodation to Mr. Robert Michael Goldberg (and indeed all other individuals that live with brain injury as a disability and whom attempt to participate to the fullest in their legal activities in Missouri and share in their fullest civic participation therein), between July of 2016 to early January of 2017 the aforementioned Missouri Public Entities and personnel only facilitated the speedy denial of his access to the courts of Missouri and the fair rule of rule therein precisely due to the effect of the challenge of his particular disability on his person and his daily activities again utterly in disobedience of U.S. Federal Laws that they are subject to and bound to obey and honor. The disability discrimination against people living with brain injury attempting to navigate the Missouri judicial system within Missouri maintained and enforced in Missouri by the aforementioned Missouri Public Entities and personnel is endemic across the judicial system of Missouri and actually occurs at every level therein and did so as Mr. Robert Michael Goldberg attempted to navigate the judicial system of Missouri (and was encountered by and effected his family and legal counsel by association as well at the same time). In unfairly and indeed illegally holding Mr. Robert Michael Goldberg to a standard set to people unburdened and unaffected by brain injury despite and in spite of his own significant brain injury effecting his own person and all of his daily activities the defendants penalized Mr. Robert Michael Goldberg (and his family and his legal counsel by association) for failing to match those standards that people unburdened by the disability of brain injury are held to. The defendants then acquiesced and facilitated the dismissal of his legal efforts to find restitution and compensation from the very parties that caused the wrongful death of his wife and her pain and suffering and that of his own and that of his family in her loss, at the urging of those same parties that were culpable in the asbestos of exposure and illness therein that his wife Dr. Barbara Sproston Goldberg was subjected to and fell victim to and to which Mr. Robert Michael Goldberg and his family suffered from and which led him (and his family by association) to engage and seek the civil services of Missouri that were and are his Right without reasonable accommodation let alone any accommodation to facilitate his civic participation in the Missouri judicial system due to the aforementioned endemic disability discrimination maintained and enforced against people living with brain injury in the Missouri judicial system by that same judicial system. The aforementioned Missouri Public Entities and personnel maintain their systemic disability discrimination against people living with brain injury (and the families of brain injured people by association) to this day all these years later and even over 30 years since landmark U.S. Federal Laws came into effect to hold them to providing full civic participation to the same disabled population within their jurisdiction. In denying Mr. Robert Michael Goldberg and his family by association access to the courts and fair rule of law in Missouri, the defendants

were and remain in gross non-compliance of U.S. Federal Law and perpetuate brazen disability discrimination against him and indeed all people living with brain injury and their families by association within the aforementioned jurisdictions. The endemic disability discrimination the defendants maintained and enforced then (and still do now) denied Mr. Robert Michael Goldberg (and his family by association) the chance to advance his legal endeavors and engage in his fullest civic participation (which along with the Right to Vote, is the highest and most important Right in American civic life: the Right to the Courts and Laws and Fair Rule of Law in the United States of America including of course Missouri) in Missouri. The defendants compounded their transgressions against Federal Law in Missouri by citing and condoning the systemic disability discrimination maintained and enforced in the judicial system of the State of Virginia (also just as in abeyance with Federal Law and U.S. Civil Rights Law as relates to protecting people living with disability from suffering from disability discrimination at the hands of any and all Public entities across the breadth of civic life in the U.S.A.) from within which Mr. Robert Michael Goldberg lived and his wife Dr. Barbara Sproston Goldberg lived and suffered and passed due to her asbestos illness and from which Mr. Robert Michael Goldberg attempted to navigate his legal claims on behalf of himself and his family and in honor of his wife Dr. Barbara Sproston Goldberg, as the legal proceedings presented in the course of his efforts.

The named individual among the defendants is so named as an officer of the courts of Missouri and an officer of the very system of disability discrimination at across the breadth of the Missouri judicial system against people living with brain injury so maintained and enforced therein and whom went far beyond their judicial authority into the realm of a medical authority and capacity they do not have to negate the substantial and indeed significant medical history and conditions and needs of Mr. Robert Michael Goldberg time and time again with the stroke of their pen and their flippant presupposing and utterly unavailing medical knowledge or experience as relates to the navigation of civic life and participation and life in general in Missouri (and Virginia let alone the rest of the U.S.A.)with brain injury, while on the bench to the detriment of Mr. Robert Michael Goldberg (and his family by association). The named individual among the defendants agreed to and acquiesced to the dismissal and numerous dismissals of the case and caseloads as brought forward to their prevue by Mr. Robert Michael Goldberg and his family through counsel, which was discriminatory based on disability discrimination as recognized by U.S. Federal Law. These dismissals that the named individual among the defendants agreed to and provided for and accepted and authorized between July of 2016 and into January of 2017 were discriminatory as they penalized my Father for not effectively measuring up to and meeting standards of an individual human capacity that were set to the default condition of a person unburdened by the disability of brain injury as set by the systemic disability discrimination against people living with brain injury in the judicial system of Missouri. The effect of this was to deny Mr. Robert Michael Goldberg and his family by association any chance of the substantial financial recompense and restitution that was available and due given the clear nature of the particular legal case on behalf of Dr. Barbara Sproston Goldberg and the clear culpability of the industrial parties as relates to the field of "Asbestos Law" in the U.S.A. and the suffering those parties subjected her and Mr. Robert Michael Goldberg and his family to due to their corporate malfeasance.

In their own agency of authorizing the numerous dismissals of the caseloads brought by Mr. Robert Michael Goldberg and his family by association through counsel to their docket from July 2016 through January 2017 and doing so beyond their capacity within their judicial authority by failing to provide any accommodation to the disabilities Mr. Robert Michael Goldberg endured as someone living with brain injury (or anyone else with brain injury) and still endures even following his passing given the systemic disability discrimination that the Missouri Judicial System still maintains against brain-injured persons and their families by association, and simultaneously erroneously negating and ignoring that brain injury (or any like it in the personages of any individual seeking legal relief and participation in their jurisdiction) without any medical authority or capacity to do so, and thus acting discriminatorily in their own personal capacity against the disabled community of people living with brain injury to which Mr. Robert Michael Goldberg was part(and his family by association) the named individual among the defendants engaged in numerous discriminatory compensation decisions that effectively reduced the financial compensation available to Mr. Robert Michael Goldberg and his family as relates to the asbestos exposure and liability case of his wife Dr. Barbara Sproston Goldberg from its fullest potential to a paltry and unfair barest minimum financial

compensation despite the circumstances of her experiences and that of our family and the legal effort brought forward by Mr. Robert Michael Goldberg and his family. Furthermore these discriminatory compensation decisions against Mr. Robert Michael Goldberg and his family as authorized and carried out by the named individual among the defendants further served to keep other aspects of the legal case of Mr. Robert Michael Goldberg and his family on behalf of his wife Dr. Barbara Sproston Goldberg, as relates to asbestos exposure and her wrongful death therein and the liability therein of other additional parties from advancing at all given the effect of all of the arrayed disability discrimination taking form and effect in real time and on record as Mr. Robert Michael Goldberg attempted to navigate that particular court and docket among all those of the judicial system of Missouri so endemically discriminatory against people living with brain injury. Thus the named individual among the defendants contributed in their part to the disability discrimination against Mr. Robert Michael Goldberg and his family by association by denying access to their own court and the courts and the fair rule of law therein to that part of the legal caseload Mr. Robert Michael Goldberg and his family had attempted to bring to the docket of this named individual among the defendants through counsel and any and all that followed subsequently in any attempt upon our part going forward as other parties in that effort used those dismissals as the rationale to keep all other efforts so negated and negated on the basis of disability discrimination against people living with brain injury be they advertent or inadvertent as may be though discriminatory none-the-less. In short:

- 1.) The State of Missouri established and maintained and defended its systemic disability discrimination against people living with Brain Injury in and of the Missouri Judicial System and continues to do so to terrible and detrimental effect against Mr. Robert Michael Goldberg and people like him living with Brain Injury and his and their family and families by association whom attempt to navigate the Judicial System of that State.
- 2.) The City of St. Louis, Missouri established and maintained and defended its systemic disability discrimination within that of the State of Missouri against people living with Brain Injury in and of the Missouri Judicial System and continues to do so to terrible and detrimental effect against Mr. Robert Michael Goldberg and people like him living with Brain Injury and his and their family and families by association whom attempt to navigate the Judicial System of that State through the 22nd Circuit Court of St. Louis to which that City established and maintains and defends and continues to do so to terrible and detrimental effect against Mr. Robert Michael Goldberg and people like him living with Brain Injury and his and their family and families by association whom attempt to navigate the 22nd Circuit Court of that City.
- 3.) The 22nd Circuit Court of the City of St. Louis, Missouri established and maintained and defended its systemic disability discrimination against people living with Brain Injury in and of the Missouri Judicial System and continues to do so to terrible and detrimental effect against Mr. Robert Michael Goldberg and people like him living with Brain Injury and his and their family and families by association whom attempt to navigate the courtrooms and operations and procedures and legal activities and the pursuit of justice therein to terrible and detrimental effect against Mr. Robert Michael Goldberg and people like him living with Brain Injury and his and their family and families by association whom attempt to navigate the judicial and legal practice and operations and activities of the 22nd Circuit Court of the City of St. Louis.
- 4.) Judge Robert Dierker helped to effectively maintain and enforce the above systems of disability discrimination of the 22nd Circuit Court of the City of St. Louis, Missouri and the City of St. Louis, Missouri and the State of Missouri in its own Judicial System against Mr. Robert Goldberg in Mr. Goldberg's medical condition as a person living with Brain Injury and his family by association as an operating officer and enforcer of the aforementioned systems of disability discrimination against people living with Brain Injury attempting to participate and navigate Missouri Civil Society fully and fairly and equally within the civil activities of the 22nd Circuit Court, the City of St. Louis and the State of Missouri and its own Judicial System itself and continues to do so to terrible and detrimental effect against Mr. Robert Michael Goldberg and people like him living with Brain Injury and his and their family and families by association whom

attempt to navigate the Judicial System of that State beyond his own standard Judicial authority.

IV . Relief:

For the systemic disability discrimination against people living with brain injury that the defendants maintain and enforce within Missouri and the Missouri judicial system Mr. Robert Michael Goldberg and his family by association were reduced to seeking the barest minimum of financial restitution and recompense for the wrongful death of his wife Dr. Barbara Sproston Goldberg due to asbestos exposure which is an offensive pittance comparatively and a painful reminder of the cheapened value and status of Mr. Robert Michael Goldberg as a person living with brain injury (and that of his family by association) and indeed of Dr. Barbara Sproston Goldberg who lived with him side by side as long as she could, within Missouri (and by extension Virginia). In essence, Mr. Robert Michael Goldberg and his family suffered due to his disability not because of the effect on his body alone but also because the parties that hurt his wife and their Mother and caused her wrongful death and the pain and suffering therein of his own and that of his family due to their corporate malfeasance as relates to asbestos usage and exposure, relied and rely on the systemic disability discrimination against people living with brain injury in the judicial system of Missouri (and by extension that of Virginia) so maintained and enforced by the defendants to effectively shield themselves from justice. The financial recompense and restitution afforded to victims of asbestos exposure and their families due to corporate malfeasance as relates to asbestos usage and exposure in U.S.A. is considerable and on average reaches to considerable amounts of financial compensation of many millions in U.S. dollars every year. We seek financial compensation to match for our case what was denied us by the denial of access to the courts and fair rule of rule in Missouri due to the systemic disability discrimination against people living with brain injury that the defendants maintain and enforce in their jurisdictions. Coupled with that we seek financial compensation for the brazen, flagrant, and indeed gross transgressions against the Civil Rights of Mr. Robert Michael Goldberg as a person living with brain injury as a disability and the most fundamental of his Civil Rights (and that of my family by association) to be clear in Missouri. Furthermore we seek immediate relief for the further legal efforts Mr. Robert Michael Goldberg (and his family by association) so engaged in within the judicial system now and retroactively as relates to his and our legal effort at hand and so negatively and effected by the disability discrimination of the defendants as relates to the legal effort he has engaged on behalf of his family and himself and in honor of his wife and her memory immediately and henceforth providing accommodation for the brain injury that my Father and people like him live with and within their civic participation with the judicial system of Missouri including and not limited to the tolling of SOLs (statutes of limitations) set to the standard of the capacities of people unburdened and unaffected by brain injuries on their person and their daily life activities including their navigation of the judicial system of Missouri at all levels therein and thereby achieving the full compliance of the defendants with U.S. Federal Law. Therein we seek the restoration of his and our legal case as was dismissed by the defendants due to their systemic disability discrimination against people living with brain injury in the judicial system of Missouri and its progression going forward from those discriminatory dismissals in 2016 and 2017. Furthermore we seek relief and protection under U.S. Federal Civil Rights Laws from any and all retaliation that might present against us from Private and or Public Entities as relates to the legal effort Mr. Robert Michael Goldberg and his family by association have engaged in and still do engage in within the judicial system in Missouri for having both exposed Missouri for the endemic disability discrimination within the judicial system at all levels therein and to which other Parties have taken inadvertent or direct and even malicious advantage of to protect and advance their own legal interests against us and others like us, putting himself and ourselves forward in doing so as "whistleblowers" against such systemic disability discrimination. We also seek to be reimbursed for the legal costs associated with the legal efforts we have engaged in to bring the case of the systemic disability discrimination against people living with brain injury in the judicial system of Missouri as maintained and enforced by the defendants to satisfactory closure within U.S. Federal Law in helping achieve full compliance with U.S. Civil Rights Law within Federal Law on the part of the defendants those aforementioned Missouri Public Entities and personnel. We therefore seek \$50,000,000 in monetary damages from the aforementioned Missouri Public Entities for their gross

transgressions against U.S. Federal Law and against Mr. Robert Michael Goldberg and his family by association that so egregiously effected Mr. Robert Michael Goldberg and his family by association and still do under the weight of the systemic disability discrimination against people living with brain injury across the Missouri judicial system so maintained and enforced by the defendants in 2016 and 2017 and even to the present.

V . Certification and Closing Under Federal Rule of Civil Procedure:

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 23rd day of January, 20 23.
23rd of January 23
Signature of Plaintiff(s) Ryan J. Gold
Robert A. Goldberg